

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
FREDERIC R. CORB and ROBERTA CORB,

Docket No.:

NOTICE OF REMOVAL

Plaintiffs,

-against-

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 20 2010 ★

BROOKLYN OFFICE

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.,

JOHNSON
GOLD, N.J.

-----X
PLEASE TAKE NOTICE that defendant, SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC., by and through its attorneys, RUTHERFORD & CHRISTIE, LLP, hereby removes this action to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1441 and § 1332.

1. This action was commenced against SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC., in the Supreme Court of the State of New York, County of Queens, by the filing of a Summons and Verified Complaint with the Clerk of the Court on or about February 19, 2010.

2. Upon information and belief and pursuant to the averments in the Summons and Verified Complaint, plaintiffs are permanent residents of the County of Nassau, State of New York and, therefore, is domiciled in and citizen of, the State of New York.

3. At the time of service of the Summons and Verified Complaint, SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC. was and is incorporated under the laws of the State of Delaware, with its principal place of business in Texas and therefore is a citizen of the State of Delaware and of the State of Texas.

4. Therefore, the action is between citizens of different states as defined by 28 U.S.C. § 1332(a)(1).

5. The Complaint seeks damages for personal injury due to the alleged negligence of SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC., in excess of the jurisdictional limitations of all lower Courts in the State of New York which would otherwise have jurisdiction and upon information and belief, the matter in dispute exceeds the sum of seventy-five thousand dollars exclusive of interest and costs.

6. This cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that the amount in controversy upon information and belief, exceeds \$75,000 exclusive of interest and costs, and that it is between citizens of different states. By virtue of 28 U.S.C. § 1441(a), this cause of action is removable to this Court.

WHEREFORE, and without waiver of any substantial or procedural defenses, SKY CHEFS, INC. d/b/a LSG SKYCHEFS, requests that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: New York, New York
April 20, 2010

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford (DR 8564)
Attorneys for Defendant
SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.
369 Lexington Avenue, 8th Floor
New York, New York 10017
(212) 599-5799
Our File No.: 3750.006

TO: **SCHREIER & WACHSMAN, LLP**
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of DEFENDANT'S NOTICE OF REMOVAL, TO THE CLERK OF THE SUPREME COURT, QUEENS COUNTY, NOTICE OF REMOVAL and NOTICE TO ADVERSE PARTY OF FILING OF NOTICE OF REMOVAL were served via regular mail to the firm of SCHREIER & WACHSMAN, LLP, Attorneys for Plaintiffs, 240 Madison Avenue, 8th Floor, New York, New York 10016, on the 20TH day of April, 2010.

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford (DR 8564)
Attorneys for Defendant
SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.
369 Lexington Avenue, 8th Floor
New York, New York 10017
(212) 599-5799
Our File No.: 3750.006

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
FREDERIC R. CORB and ROBERTA CORB,

Plaintiffs,

-against-

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.,

Defendant.
-----X

DOCKET NO.:

**NOTICE TO ADVERSE
PARTY OF FILING OF
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE, that on April 20, 2010, defendant, SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC., duly filed the Notice of Removal in this action in its entirety to the United States District Court for the Eastern District of New York.

A copy of the Notice of Removal with copies of all process, pleadings and orders served on the defendant, SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC., and/or filed in the Supreme Court of the State of New York, County of Queens, are annexed hereto.

Dated: New York, New York
April 20, 2010

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford (DR 8564)
Attorneys for Defendant
SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.
369 Lexington Avenue, 8th Floor
New York, New York 10017
(212) 599-5799
Our File No.: 3750.006

TO: SCHREIER & WACHSMAN, LLP
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-0686

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
FREDERIC R. CORB and ROBERTA CORB,

Index No. 4197/10

Plaintiffs,

-against-

**NOTICE OF REMOVAL
TO CLERK OF THE
SUPREME COURT,
QUEENS COUNTY**

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.,

Defendant.
-----X

TO: CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK,
COUNTY OF QUEENS
88-11 Sutphin Boulevard
Jamaica, New York 11435

PLEASE TAKE NOTICE that on April 20, 2010, the defendant, SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC., duly filed a Notice of Removal, a copy of which is annexed hereto,
removing this action in its entirety to the United States District Court for the Eastern District of New
York.

Dated: New York, New York
April 20, 2010

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford
Attorneys for Defendant
SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.
369 Lexington Avenue, 8th Floor
New York, New York 10017
(212) 599-5799
Our File No.: 3750.006

TO: SCHREIER & WACHSMAN, LLP
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-0686

AFFIDAVIT OF SERVICE VIA MAIL

STATE OF NEW YORK }

ss.:

COUNTY OF NEW YORK }

Malta Gonzalez, being duly sworn, deposes and says:

Deponent is not a party to the within action, is over 18 years of age and resides in New York County of the State of New York.

That on the 20th day of April, 2010 deponent served the within **NOTICE OF REMOVAL TO THE CLERK OF THE SUPREME COURT, QUEENS COUNTY** upon:

SCHREIER & WACHSMAN, LLP
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-0686

attorneys for the plaintiffs in this action, at the address designated by said attorneys for that purpose, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.


Malta Gonzalez

Sworn to before me on this
20th day of April, 2010


NOTARY PUBLIC

MICHAEL G. BECKER
Notary Public, State Of New York
No. 01BE6060535
Qualified In Westchester County
Commission Expires June 25, 2011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

FREDERIC R. CORB and ROBERTA CORB,

Plaintiffs,

-against-

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.,

Defendant.

Index No.: 4197/10

Plaintiffs designate
Queens County as
place of trial.

The basis of venue
is where the cause
of action arose.

SUMMONS

To The Above-Named Defendant:

YOU ARE HEREBY SUMMONED to Answer the Complaint in this action and to serve a copy of your Answer, or if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiffs' attorneys within twenty days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or Answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
February 18, 2010.

Defendant's Address:

SKY CHEFS, INC.
d/b/a LSG SKYCHEFS, INC.
c/o CT Corporation System
111 Eighth Avenue
New York, New York 10011

QUEENS COUNTY CLERK
RECEIVED
2010 FEB 19 AM 10:02

SCHREIER & WACHSMAN, LLP

BY:

David M. Schreier
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
212-889-0686

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
FREDERIC R. CORB and ROBERTA CORB,

Plaintiffs,

Index No.: 4/97/10

-against-

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC,

VERIFIED COMPLAINT

Defendant.
-----X

Plaintiffs, by and through their attorneys, **SCHREIER & WACHSMAN, LLP**, as and for their Verified Complaint allege upon information and belief as follows:

1. At all material times referred to herein, Plaintiffs **FREDERIC R. CORB** and **ROBERTA CORB** were, and still are, residents of the Village of Great Neck, County of Nassau and State of New York.

2. This action falls within one or more of the exceptions set forth in CPLR §1602.

3. At all times hereinafter mentioned, Defendant **SKY CHEFS, INC. d/b/a LSG SKYCHEFS, INC. ("SKYCHEFS")**, was and still is a corporation, duly organized and existing under the laws of the State of Delaware.

4. At all times hereinafter mentioned, Defendant **SKYCHEFS**, through its agents, servants, employees and/or associates entered into a contract with **JETBLUE AIRWAYS, INC.** to

provision and provide food service to its aircrafts, and more particularly to the aircraft known as **JETBLUE** Flight Number 377 departing from LaGuardia Airport, which was operated within the state of New York, on November 30, 2007 at approximately 4:00 p.m.

5. At all times hereinafter mentioned, Defendant **SKYCHEFS** provisioned and provided food service for the aircraft known as **JETBLUE** Flight Number 377 departing from LaGuardia Airport on November 30, 2007, at approximately 4:00 p.m. in Flushing, County of Queens and State of New York.

6. Plaintiff **FREDERIC R. CORB** was a passenger on **JETBLUE** Flight Number 377 departing from LaGuardia Airport on November 30, 2007, at approximately 4:00 p.m. in Flushing, County of Queens and State of New York.

7. At all times hereinafter mentioned and prior thereto, LaGuardia Airport located in Flushing, New York 11371, in the County of Queens, City and State of New York, was and still is an airport in common use by residents of the State of New York and others.

8. On or about the 30th day of November, 2007, at the place aforementioned, Defendant **SKYCHEFS**, through its agents, servants, employees and/or associates negligently and carelessly operated, managed and controlled the door to the aircraft so as to

cause the door of the aircraft to collide with Plaintiff **FREDERIC R. CORB**, thereby causing Plaintiff **FREDERIC R. CORB** to sustain severe personal injuries.

9. On the 30th day of November, 2007, at the place aforesaid, Plaintiff **FREDERIC R. CORB** was caused to have his foot repeatedly slammed in the door of the aircraft, without any regard to Plaintiff **FREDERIC R. CORB**'s safety, as a result of the carelessness and negligence of Defendant **SKYCHEFS**, its agents, servants, employees and/or associates, as hereinafter set forth as a result in which he sustained severe and permanent personal injuries.

10. On or about November 30, 2007, while Plaintiff **FREDERIC R. CORB** was a lawful passenger aboard **JETBLUE** Flight Number 377 departing from LaGuardia Airport on November 30, 2007, at approximately 4:00 p.m. in Flushing, County of Queens and State of New York, he was caused to repeatedly have his foot slammed in the door of the aircraft due to the negligence and carelessness of Defendant **SKYCHEFS**, through its agents, servants, employees and/or associates.

11. As a result of the foregoing, Plaintiff **FREDERIC R. CORB** sustained certain severe personal injuries without any culpable conduct of Plaintiff **FREDERIC R. CORB** contributing thereto.

12. The foregoing incident and the resulting injuries to Plaintiff **FREDERIC R. CORB** was caused by reason of the carelessness and negligence of Defendant **SKYCHEFS**, through its agents, servants, employees and/or associates, without any negligence on the part of Plaintiff **FREDERIC R. CORB**.

13. By reason of the aforesaid, Plaintiff **FREDERIC R. CORB** was caused to sustain serious, severe and painful personal injuries, some of which are permanent and lasting in nature and was caused to be rendered sick, sore, lame and disabled; was caused to suffer great pain and anguish, and may in the future continue to so suffer; was caused to seek medical care and attention and treatment in an effort to cure himself of his said injuries; was caused to be incapacitated from his usual duties, activities and employment, and in the future continue to be so incapacitated and was caused to sustain serious injury in that Plaintiff **FREDERIC R. CORB** sustained serious injury and/or serious disfigurement and/or was caused to be substantially incapacitated from performing most of his usual and customary activities.

14. Defendant **SKYCHEFS**, through its agents, servants, employees and/or associates was careless and negligent in the operation, management, and control of the door of the aircraft; in operating the aircraft door in a negligent and careless manner in view of the surrounding circumstances and conditions then existing and without keeping a proper lookout for Plaintiff **FREDERIC R. CORB**

who was lawfully thereat; in causing, allowing and permitting the aircraft door to strike and come in contact with Plaintiff **FREDERIC R. CORB**; in failing to take due and proper notice of the presence of Plaintiff **FREDERIC R. CORB**; in operating the aircraft door without ascertaining whether such movements could be made safely; in failing to look, in failing to see; in failing to give any signal, sound or warning; in failing to exercise due care and caution in the operation and control of the aircraft door so as to have avoided this accident and the injuries to Plaintiff **FREDERIC R. CORB**; in failing to be and remain reasonably alert; in violating those statutes, ordinances, rules and regulations in such cases made and provided, of which this Court will take Judicial Notice at the time of the trial of this action; in failing to obey safety regulations; in failing to operate the aircraft door in a careful, proper and prudent manner so as to avoid the aforementioned accident and occurrence; and Defendant **SKYCHEFS** was otherwise careless and negligent in the operation, management, and control of the aircraft door.

15. The Defendant is guilty of culpable acts contributing to this accident, as well as negligence without any negligence on the part of Plaintiff **FREDERIC R. CORB** contributing thereto.

16. By reason of the foregoing, Plaintiff **FREDERIC R. CORB** is entitled to recover all of his damages from Defendant **SKYCHEFS** pursuant to CPLR 3017 (c) the amount of which exceeds the jurisdictional limits of all lower Courts.

**AS AND FOR
A SECOND CAUSE OF ACTION**

17. Plaintiffs repeat, reiterate and reallege each and every allegation contained in this Complaint numbered "1" through "16" inclusive, with the same force and effect as though fully set forth at length hereat.

18. At all times hereinafter mentioned, Plaintiff **ROBERTA CORB** was and still is the wife of Plaintiff **FREDERIC R. CORB**, who resides with him in the Village of Great Neck, County of Nassau and State of New York.

19. The aforesaid occurrence was due solely by reason of the negligence, carelessness and recklessness of Defendant **SKYCHEFS** herein, its agents, servants, employees and/or associates without any negligence on the part of the Plaintiff contributing thereto.

20. As a result of the foregoing, Plaintiff **ROBERTA CORB** has been deprived of the services and companionship of her husband, Plaintiff **FREDERIC CORB**, and has necessarily expended sums of money

and incurred expenses and will become liable to pay for medical care and attention, medicines, hospitalizations, surgeries and other various expenses on his behalf, and will incur further expenses of a similar character.

21. By reason of the foregoing, Plaintiff **ROBERTA CORB** is entitled to recover all of her damages from Defendant **SKYCHEFS** pursuant to CPLR 3017 (c) the amount of which exceeds the jurisdictional limits of all lower Courts.

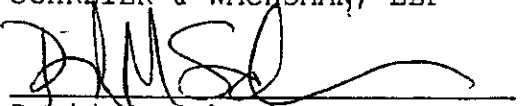
WHEREFORE, Plaintiff **FREDERIC CORB** and Plaintiff **ROBERTA CORB** demands judgement against the Defendant in a sum which exceeds the jurisdictional limitations of all lower Courts which would otherwise have jurisdiction of this matter as to each of the causes of action alleged in the first and second causes of action herein, together with interest from and after the date of the verdict to be rendered hereon, and costs and disbursements of this action.

Dated: New York, New York
February 18, 2010

Yours, etc.

SCHREIER & WACHSMAN, LLP

By:


David M. Schreier
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
212-889-0686

Complain\Corb-Sky.F18

ATTORNEY VERIFICATION

The undersigned, being duly admitted to practice in the courts of the State of New York, hereby affirms the following to be true under the penalties of perjury.

I am the attorney for the plaintiffs in the within action. I have read the foregoing **COMPLAINT** and know the contents thereof and the same is true to my own knowledge, except those matters alleged to be true upon information and belief, and as to those matters I believe them to be true.

The undersigned further states that the reason this verification is made by the undersigned and not by plaintiffs is that plaintiffs do not reside within the county where I maintain my office.

The ground for my belief as to all matters not stated to be upon my knowledge are as follows investigations, conversations and correspondence with plaintiffs, etc.

The undersigned affirms that the foregoing statements are true under the penalty of perjury.

Dated: New York, New York
February 18, 2010


DAVID M. SCHREIER

Index No.: 4197110

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

FREDERIC R. CORB and ROBERTA CORB,

Plaintiffs,

-against-

SKY CHEFS, INC. d/b/a
LSG SKYCHEFS, INC.,

Defendant.

SUMMONS and VERIFIED COMPLAINT

Schreier & Wachsmann, LLP
Attorneys for Plaintiffs
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-0686

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